

AMENDED IN SENATE AUGUST 29, 2011

AMENDED IN ASSEMBLY MAY 16, 2011

AMENDED IN ASSEMBLY APRIL 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1358**

---

---

**Introduced by Assembly Member Fuentes**

February 18, 2011

---

---

An act to amend Section 42008.7 of the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1358, as amended, Fuentes. Vehicles misdemeanor: violations: amnesty.

Existing law requires a county to establish a one-time amnesty program for fines and bail for an infraction violation of the Vehicle Code, except for parking violations, and specified reckless driving and driving-under-the-influence (DUI) offenses. Existing law allows a person owing a fine or bail that is eligible for amnesty under this program to pay to the superior or juvenile court 50% of the total fine or bail, as defined, which must be accepted by the court in full satisfaction of the delinquent fine or bail.

This bill would authorize, in addition to and at the same time as the above one-time amnesty program, the court and the county to establish a one-time amnesty program that would allow a person to pay 50% of the total fine or bail for *a specified misdemeanor violation, as specified if certain conditions are met.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 42008.7 of the Vehicle Code is amended  
2 to read:

3     42008.7. (a) The State of California continues to face a fiscal  
4 and economic crisis affecting the State Budget and the overall state  
5 economy. In light of this crisis, a one-time infraction amnesty  
6 program would do the following:

7     (1) Provide relief to individuals who have found themselves in  
8 violation of a court-ordered obligation because they are financially  
9 unable to pay traffic bail or fines.

10    (2) Provide increased revenue at a time when revenue is scarce  
11 by encouraging payment of old fines that have remained unpaid.

12    (3) Allow courts and counties to resolve older delinquent cases  
13 and focus limited resources on collecting on more recent cases.

14    (b) A one-time amnesty program for fines and bail meeting the  
15 eligibility requirements set forth in subdivision (e) shall be  
16 established in each county. Unless agreed otherwise by the court  
17 and the county in writing, the government entities that are  
18 responsible for the collection of delinquent court-ordered debt  
19 shall be responsible for implementation of the amnesty program  
20 as to that debt, maintaining the same division of responsibility in  
21 place with respect to the collection of court-ordered debt under  
22 subdivision (b) of Section 1463.010 of the Penal Code.

23    (c) As used in this section, the term “fine” or “bail” refers to  
24 the total amounts due in connection with a specific violation, which  
25 include, but are not limited to, the following:

26    (1) Base fine or bail, as established by court order, by statute,  
27 or by the court’s bail schedule.

28    (2) Penalty assessments imposed pursuant to Section 1464 of  
29 the Penal Code and Sections 70372, 76000, 76000.5, 76104.6, and  
30 76104.7 of the Government Code.

31    (3) Civil assessment imposed pursuant to Section 1214.1 of the  
32 Penal Code.

33    (4) State surcharge imposed pursuant to Section 1465.7 of the  
34 Penal Code.

35    (5) Court security fee imposed pursuant to Section 1465.8 of  
36 the Penal Code.

37    (d) In addition to and at the same time as the mandatory one-time  
38 amnesty program is established pursuant to subdivision (b), the

1 court and the county may jointly agree to extend that amnesty  
2 program to fines and bail imposed for a misdemeanor violation of  
3 this code and *a violation* of Section 853.7 of the Penal Code, ~~as~~  
4 ~~described in paragraph (2) of subdivision (e), except for~~ *added to*  
5 *the misdemeanor case otherwise subject to the amnesty. The*  
6 *amnesty program authorized pursuant to this subdivision shall not*  
7 *apply to parking violations and violations of Section 23103, 23104,*  
8 *23105, 23152, or 23153 of this code.*

9 (e) Violations are only eligible for amnesty if paragraph (1),  
10 (2), or (3) ~~apply~~ *applies* and the requirements of paragraphs (4),  
11 (5), and (6) are met:

12 (1) The violation is an infraction violation filed with the court.

13 (2) It is a violation of subdivision (a) or (b) of Section 40508,  
14 or a violation of Section 853.7 of the Penal Code ~~added to the case~~  
15 ~~subject to subdivision (a) or (b) of Section 40508 to which~~  
16 ~~subdivision (d) applies.~~ *subject to paragraph (1).*

17 (3) The violation is a misdemeanor violation filed with the court  
18 to which subdivision (d) applies.

19 (4) The due date for payment of the fine or bail was on or before  
20 January 1, 2009.

21 (5) The defendant does not owe victim restitution on any case  
22 within the county.

23 (6) There are no outstanding misdemeanor or felony warrants  
24 for the defendant within the county, except for misdemeanor  
25 warrants for misdemeanor violations authorized by the court and  
26 the county pursuant to subdivision (d).

27 (f) Each amnesty program shall accept, in full satisfaction of  
28 any eligible fine or bail, 50 percent of the fine or bail amount, as  
29 defined in subdivision (c) of this section. Payment of a fine or bail  
30 under an amnesty program implemented pursuant to this section  
31 shall be accepted beginning January 1, 2012, and ending June 30,  
32 2012. The Judicial Council shall adopt guidelines for the amnesty  
33 program no later than November 1, 2011, and each program shall  
34 be conducted in accordance with Judicial Council guidelines.

35 (g) No criminal action shall be brought against a person for a  
36 delinquent fine or bail paid under the amnesty program.

37 (h) The total amount of funds collected under the amnesty  
38 program shall as soon as practical after receipt thereof be deposited  
39 in the county treasury or the account established under Section  
40 77009 of the Government Code. Any unreimbursed costs of

1 operating the amnesty program, excluding capital expenditures,  
2 may be deducted from the revenues collected under the amnesty  
3 program by the court or the county that incurred the expense of  
4 operating the program. Notwithstanding Section 1203.1d of the  
5 Penal Code, the remaining revenues collected under the amnesty  
6 program shall be distributed on a pro rata basis in the same manner  
7 as a partial payment distributed pursuant to Section 1462.5 of the  
8 Penal Code.

9 (i) Each court or county implementing an amnesty program  
10 shall file, not later than September 30, 2012, a written report with  
11 the Judicial Council, on a form approved by the Judicial Council.  
12 The report shall include information about the number of cases  
13 resolved, the amount of money collected, and the operating costs  
14 of the amnesty program. Notwithstanding Section 10231.5 of the  
15 Government Code, on or before December 31, 2012, the Judicial  
16 Council shall submit a report to the Legislature summarizing the  
17 information provided by each court or county.